

Application Number 09/602,345  
Response dated February 17, 2004  
Responsive to Office Action of December 22, 2003

### REMARKS

This communication is responsive to the final Office Action dated December 22, 2003. Applicant has not amended any claims. Claims 1-16 and 19-24 are pending. Claim 22 is allowed. Claims 14, 20 and 21 are objected to as being dependent on rejected base claims, but the Examiner indicated that claims 14, 20 and 21 would be allowable if rewritten into independent form.

In the final Office Action, the Examiner rejected claims 1-8, 11-13, 15-16, and 19 under 35 U.S.C. 103(a) as being unpatentable over Fiske (US 6,078,468) (hereafter Fiske); and rejected claims 9-10, 23 and 24 under 35 U.S.C. 103(a) as being unpatentable over Fiske in view of Jewell et al. (US 5,526,182) (hereafter Jewell).

Applicant respectfully traverses the rejections. The applied references fail to disclose or suggest the invention defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention. In particular, neither Fiske nor Jewell discloses or suggests a writing array of modulatable light sources *formed on a separate substrate*, as recited in Applicant's rejected independent claims. For this reason, all pending rejections should be withdrawn and the claims allowed.

In the previous Office Action, the Examiner had rejected some of Applicant's claims under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,619,488 to Ota et al. (hereafter Ota); and rejected other claims under 35 U.S.C. § 103(a) as being unpatentable over Ota in view Jewell. Applicant responded to the previous Office Action by amending the independent claims to clarify that the writing array and reading arrays are formed on separate substrates.

In response to Applicant's amendments, the Examiner withdrew the previous rejections. However, the Examiner has issued new rejections based on Fiske and proposed modifications to Fiske in view of Jewell. The problem with the new rejections, however, is the same problem that Applicant addressed with respect to the old rejections. In particular, Fiske, like the other references, does not appear to disclose or suggest a writing array of modulatable light sources formed on a substrate and a reading array of modulatable light sources *formed on a separate substrate*, as recited in Applicant's claims. For this reason, all pending rejections should be withdrawn and the claims allowed.

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In formulating his rationale for the new rejections, the Examiner stated that Fiske discloses a data storage and retrieval apparatus having a read and/or write head, which comprises a linear arrangement of Vertical Cavity Surface Emitting Lasers (92), an objective lens (microlens array 96 including focusing lens 98) for each VCSEL, and a detector (94) to receive a set of one or more beams emanated from the reading array of VCSEL and reflected from the target medium (disk 48). The Examiner then cited column 15, lines 21-25, of Fiske as suggesting that multiple heads can be used for reading and writing wherein the read laser beam is of a different frequency than the write laser beam. Based on this passage, the Examiner stated that it would have been obvious to implement separate VCSEL arrays for reading and writing such that the writing array comprises a first array of VCSELs and the reading array a second array of VCSELs.

Applicant's claims, however, require a writing array of modulatable light sources formed on a substrate and a reading array of modulatable light sources formed on a separate substrate. In his analysis, the Examiner did not even address this feature, which recites that the different arrays are on separate substrates.

Fiske appears to lack any suggestion of the use of a writing array of modulatable light sources formed on a substrate and a reading array of modulatable light sources formed on a separate substrate. The full passage of Fiske which was cited by the Examiner merely states:

in embodiments employing heads capable of reading and writing, using electron trapping optical memory technology, preferably the read laser beam is of a different frequency than the write beam.

Applicant is entirely confused as how the Examiner thinks the quoted statement includes any suggestion of the use of separate substrates for the writing array and reading array. Even assuming that Fiske discloses the use of two different VCSEL arrays, Fiske clearly lacks any suggestion of the use of separate substrates for different VCSEL arrays.

Fiske, like Ota and Jewell, lacks any disclosure or suggestion of a writing array of modulatable light sources formed on a substrate and a reading array of modulatable light sources formed on a separate substrate, as claimed. Reconsideration of the pending claims is courteously solicited.

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### CONCLUSION

For at least the reasons set forth above, the rejected independent claims 1, 11, 23 and 24 and the corresponding dependent claims are in condition for allowance. Applicant does not acquiesce to any of the Examiner's characterizations of the applied references with respect to the features recited in Applicant's claims. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 09-0069. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

2/18/4

Imation Legal Affairs  
P.O. Box 64898  
St. Paul, Minnesota 55164-0898  
Telephone: (651) 704-3604  
Facsimile: (651) 704-5951

By:



Name: Eric D. Levinson  
Reg. No.: 35,814